




# MEMORANDUM

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DATE: March 29, 2017  
For April 13, 2017 Hearing

TO: Jim Mazzocco  
Zoning Examiner

FROM: Manjeet Ranu, AICP   
Director  
Planning & Development Services

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-16-14 AirConcepts – 22<sup>nd</sup> Street  
R-2, C-1 & C-3 to I-1 (Ward 5)

**Issue** – This is a request by Brian Rumsey of Rumsey Architecture, on behalf of the property owners, City of Tucson and Brown Cherry Building, LLC, to rezone approximately 1.39 acres from R-2, C-1 and C-3 to I-1 zoning. The rezoning site is located at the northwest corner of 22<sup>nd</sup> Street and Cherry Avenue, east of the Kino Parkway overpass (see Case Location Map). The preliminary development plan (PDP) proposes three buildings of 6,000 square feet each, with a proposed height of 30 feet, for general manufacturing use. A future phase for the building proposed near the northeast corner of the site, shows an additional 3,000 square feet of floor area.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of I-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: vacant

### Zoning Descriptions:

Existing: R-2 – This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

Existing: C-1 – This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses are also permitted.

Existing: C-3 – This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and other related uses are also permitted.

Proposed: I-1 – This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

Surrounding Zones and Land Uses:

North: Zoned I-1; industrial manufacturing and warehouse

South: Zoned R-2 and C-3; 22<sup>nd</sup> Street and vacant land

East: Zoned I-1; various commercial and industrial uses

West: Zoned R-2 and I-1; Kino Parkway, vacant land, and industrial uses

Previous Cases on the Property:

C9-83-56 Wallace – Vine Avenue, R-2 to B-1 (C-1) A rezoning request for a 0.88 acre portion of the subject rezoning site located on the east side of Vine Avenue, approximately 100 feet north of 22<sup>nd</sup> Street, to allow the conversion of a single family home to an office for an electronic security monitoring service. On May 7, 1984, Mayor and Council adopted Ordinance No. 6012.

Related Cases:

C9-14-05 Mar – Kino Parkway, R-2 to I-1 A rezoning request for approximately 0.88 acres located at the southeast corner of Kino Parkway and 14<sup>th</sup> Street to allow an 8,533 square foot, 24 foot tall building for the manufacturing of electronic components. On October 21, 2014, Mayor and Council voted to authorize the rezoning.

C9-08-11 RARIC Partnership – 20<sup>th</sup> Street, R-2 to I-1 A rezoning request for 1.12 acres located at the northwest corner of 20<sup>th</sup> Street and Fremont Avenue for the purpose of constructing a 19,831 square-foot building to be used as a metal fabrication facility. On October 19, 2010, Mayor and Council adopted Ordinance No. 10845. Time for compliance with conditions of rezoning expired on October 19, 2015. The existing R-2 zoning remains in effect.

C9-04-20 Oasis Bottled Water – 22<sup>nd</sup> Street, R-2 to I-1 A rezoning request for approximately 0.96 acres located at the southeast corner of 22<sup>nd</sup> and Neff Streets to allow the development of a 13,000 square-foot bottling plant. On February 7, 2006, Mayor and Council adopted Ordinance No. 10247.

C9-01-08 Barone Foods – Kino Parkway, I-1 to I-2 This was a rezoning request for 1.13 acres located on the north side of 14th Street between Kino Parkway and Norris Avenue to allow the expansion of a perishable goods manufacturing (meat processing) facility. On August 6, 2001,

Mayor and Council adopted Ordinance No. 9593 and on March 28, 2013, building permit T02CM0058 was issued, effectuating the requested I-2 zoning.

**Applicant's Request** – The applicant requests to rezone 1.39 acres to I-1 zoning for the purpose of constructing three buildings of 6,000 square feet each, with a proposed height of 30 feet, for general manufacturing.

**Planning Considerations** – Land use policy direction for this area is provided by the *Greater South Park Area Plan (GSPP)*, *Subarea 2* and *Plan Tucson (PT)*. The rezoning site is located within a Mixed-Use Center as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-Use Centers combine a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycling, and walking will get priority in these areas, although cars will still play an important role. In this context, the proposed and existing industrial uses accommodate employment and support the mix of uses envisioned for the general area by *PT* on the Future Growth Scenario Map. *PT* policies support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. *PT* guidelines support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to the relevant site and architectural design guidelines. *PT* supports the retention and expansion of existing businesses and convenient public transit to serve employees.

Paralleling the Southern Pacific Railroad and north of 22nd Street and east of Park Avenue, Subarea 2 of the *Greater South Park Area Plan* contains a mixture of uses and zones. Although the majority of land uses are commercial and industrial, there is also a small pocket of residential uses and zones in this subarea. With the Kino Boulevard alignment transecting this area and previous rezoning approvals for commercial and industrial uses, this subarea appears to be transitioning to more commercial and industrial uses. The policy section of the, *Subarea 2* supports additional light industrial uses. The goal of the *GSPP* is to guide future development while protecting and improving existing neighborhoods. It calls for reducing the travel time and distance between home and work, reducing transportation costs and energy consumption. It requires proximity to major streets and transportation corridors, adequate buffer areas to protect adjacent use, prohibition of industrial traffic through residential areas and access to existing or planned public transit routes. It promotes the availability of industrial employment to people who are not able to expend the time or money necessary for a lengthy home-to-work trip. The proposed rezoning request from R-2, C-1, and C-3 to I-1 is supported by *PT* and *GSPP*.

The site is within an industrial business area, with surrounding development consisting of a mix of industrial and commercial land uses. The R-2 and C-1 portions are within City of Tucson right-of-way at northeast corner of 22<sup>nd</sup> Street and the northbound Kino Parkway access ramp. While one of the new industrial buildings will be affiliated with a neighboring business, AirConcepts Inc., which is currently located immediately north of the rezoning site, it will be a separate business operation. The remaining two buildings will be available for lease.

The 1.39-acre rezoning site is located at the northwest corner of 22<sup>nd</sup> Street and Cherry Avenue and is bounded by Kino Parkway on the west, 22<sup>nd</sup> Street on the south, and Cherry Avenue on the east. On the *Major Streets and Routes Plan* map, Kino Parkway is identified as a Gateway arterial street with a 150-foot cross section, and 22<sup>nd</sup> Street is designated a major arterial street with a 120-foot cross section. Direct vehicular access to the rezoning site is proposed from Cherry Avenue only. Cherry Avenue is a local street providing access to industrial uses to the north. The proposed manufacturing center will have direct access from Cherry Avenue to the east of the rezoning site, with the access point being approximately 100 feet north of 22<sup>nd</sup> Street. The site is also located in close proximity to Aviation Parkway, with access to downtown and Davis-Monthan Air Force Base, as well as Kino Parkway, a Gateway Route arterial that leads to the University of Arizona, Interstate 10 and the Tucson International Airport. Field inspection by staff indicates there are currently no billboards on the rezoning site.

To the west of the rezoning site across Kino Parkway is vacant land and industrial uses. To the south across 22<sup>nd</sup> Street is vacant land zoned C-3 and R-2. To the east and north are a mix of commercial and industrial uses, zoned I-1. The nearest residentially zoned and developed property is over 800 feet southwest of the rezoning site, on the west side of Kino Parkway and south side of 22<sup>nd</sup> Street.

### **Design Considerations**

Land Use Compatibility – The adjacent public rights-of-way and surrounding institutional, commercial, and industrial uses provide substantial separation between the rezoning site and the nearest residential development, virtually eliminating the potential for this project to create negative impacts on residential development.

The adjacent rights-of-way also increase the visibility of the rezoning site and the proposed 30-foot tall building. Because of its high visibility from adjacent streets, and the designation of Kino Parkway as a Gateway Route, the design should establish a common theme for buildings and walls, rooftop mechanical equipment should be screened, and the roofline should include a variety of lines and planes to provide visual interest. Perimeter masonry screen walls should incorporate a design treatment with two or more materials like stucco, tile, brick, or similar material, in a visually interesting pattern. Dumpsters and outdoor storage should be screened from view with a masonry screen wall. Outdoor storage should not extend above the height of the screen wall.

Drainage/Grading/Vegetation – A retention/detention basin is proposed near the southwest corner of the site. Total retention of the 5-year/1-hour storm is required in water harvesting basins. Hardscape surfaces should be drained to water harvesting areas before overtopping to the right-of-way or adjacent private property. Drought-tolerant native low-water use canopy trees, an average of 25 feet on center, should be incorporated into the design of the Gateway route landscaping along Kino Parkway.

Road Improvements/Vehicular Access/Circulation – The PDP depicts six parking spaces for each 6,000 square foot building, for a total of eighteen spaces, with three future parking spaces proposed at the time of construction of the 3,000 square foot phase 2 building addition. Per the *Unified Development Code*, one vehicle parking space is required for each 1,000 square feet of building area. The PDP demonstrates that parking requirements will be met but not exceeded.

**Conclusion** – The proposed rezoning is consistent with, and supported by the *Greater South Park Area Plan* and *Plan Tucson*, which support industrial development at this location. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated February 6, 2017, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

6. All exterior mechanical equipment shall be screened from view from surrounding roadways and properties.
7. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

9. Right-of-way shall be dedicated along 22<sup>nd</sup> Street per Major Streets & Routes Plan map.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

10. Total retention of the 5-year/1-hour storm is required in water harvesting basins.
11. Hardscape surfaces shall drain to water harvesting areas before overtopping to the right-of-way or private property.



AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case \_\_\_\_\_ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case \_\_\_\_\_.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.



The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

By: \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

State of Arizona )

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_

Planning & Development Services Department

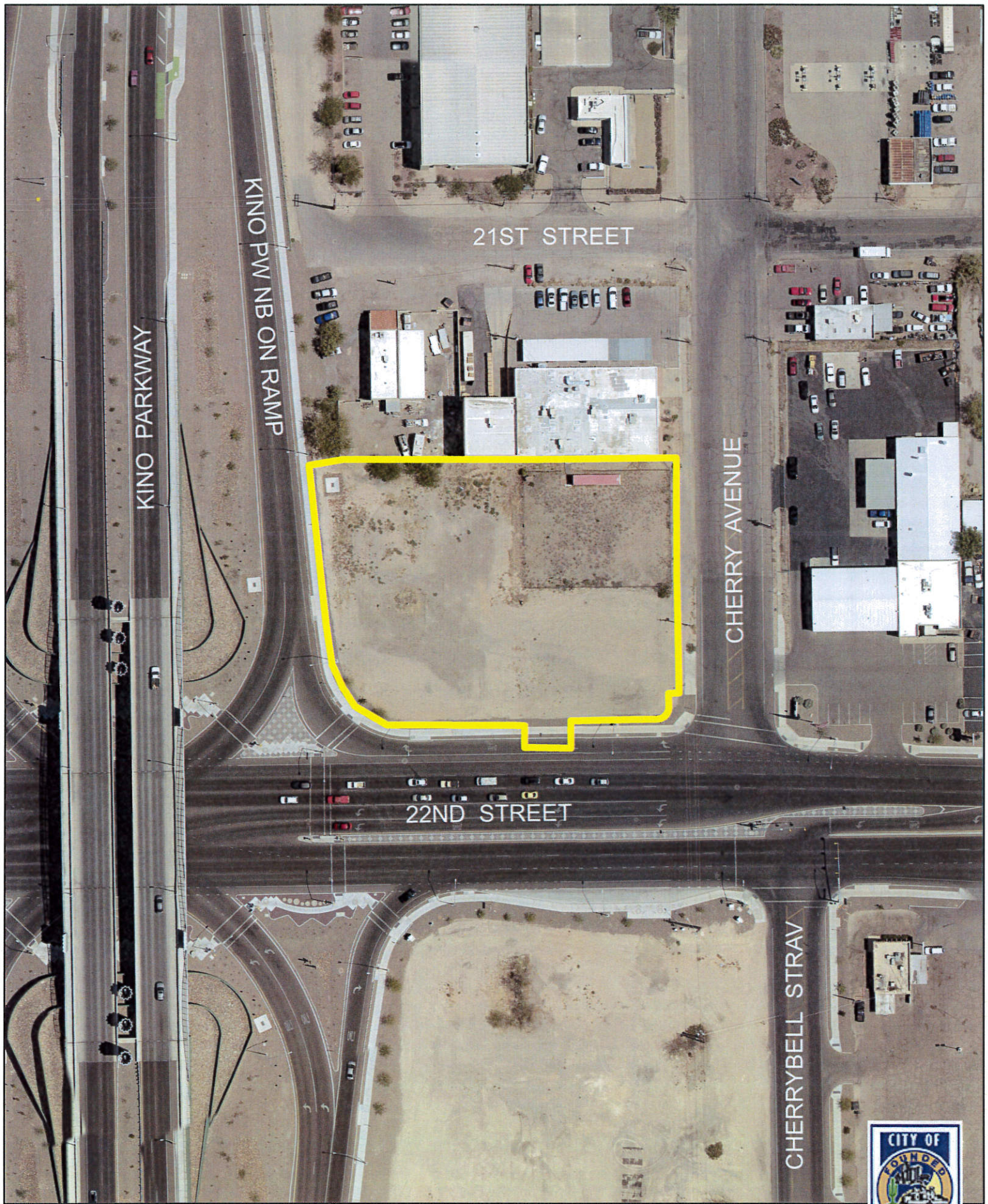
This form has been approved by the City Attorney.

The map displays the Tucson, Arizona area, highlighting the intersection of I-10 and I-19. A circular inset provides a detailed view of the intersection area, showing KINO PARKWAY, 21ST ST, 22ND ST, and CHERRY AVE. A yellow star marks the specific location of NWC 22nd & Cherry Ave. A north arrow and the City of Tucson logo are in the bottom right corner.



**NWC 22nd & Cherry Ave**





**C9-16-14 Air Concepts - 22nd Street**  
2016 Aerial

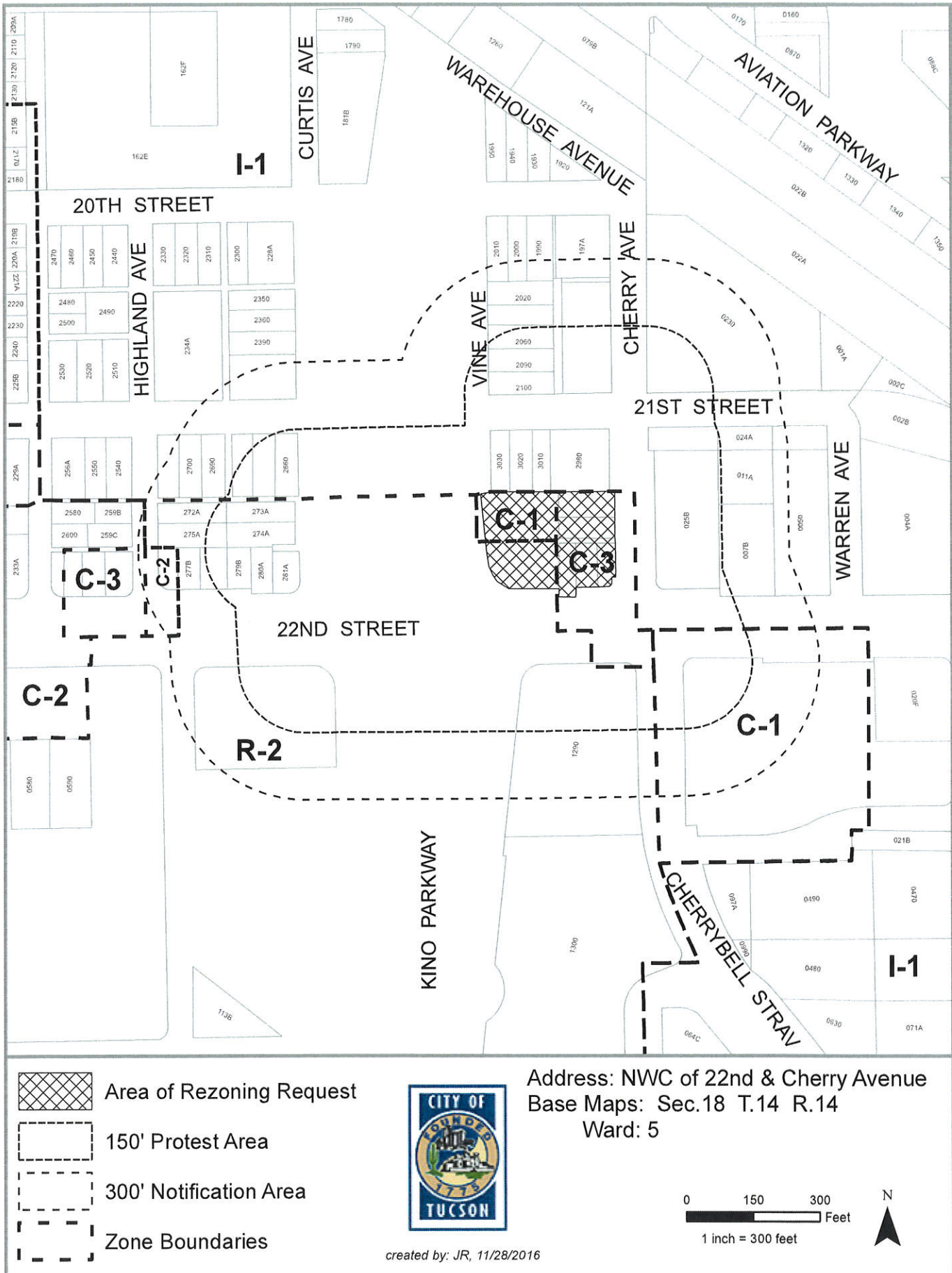
0 50 100  
Feet  
1 inch = 100 feet





# C9-16-14 Air Concepts - 22nd Street

## Rezoning Request: from R-2, C-1, C-3 to I-1



**PUBLIC FACILITIES AND SERVICES REPORT FOR April 13, 2017**  
(as of March 28, 2017)

**C9-16-14 AirConcepts – 22<sup>nd</sup> Street, R-2, C-1 and C-3 to I-1 Zone**

**CITY AGENCIES**

**Planning & Development Services – Community Planning:** See attached comments dated 3/13/17.  
**Planning & Development Services – Zoning Review:** See attached comments dated 2/27/17.  
**Planning & Development Services – Sign Code:** See attached comments dated 3/10/17.  
**Planning & Development Services – Engineering:** See attached comments dated 3/13/17.  
**Transportation – Traffic Engineering:** See attached comments dated 3/8/17

**No Objections Noted**

**City of Tucson, Real Estate Program**  
**Transportation – Engineering**  
**Planning & Development Services – Landscape**  
**Tucson Fire Department**  
**Community Services – Historic Preservation Officer**  
**Tucson Water New Area Development**  
**Tucson Parks and Recreation**  
**Tucson Police Department**  
**Tucson Parks and Recreation**  
**Environmental Services**

**NON-CITY AGENCIES**

**PAG-TPD:** No comment

**No Objections Noted**

**Pima County Planning and Development Services**  
**Tucson Unified School District**  
**Pima County Wastewater**  
**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, March 29, 2017 at  
<https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp>



## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of  $\frac{3}{4}$  of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-16-14 – AirConcepts – 22<sup>nd</sup> Street, R-2, C-1, & C-3 to I-1  
(Ward 5)**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.  
☐ PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Rezoning Section JB  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

C9-16-14

Expose this flap - Affix stamp and return

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City of Tucson  
Planning and Development Services  
Department -Rezoning Section JB  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-16-14

IMPORTANT REZONING NOTICE ENCLOSED

S:\REZONING\2017\C9-16-14 ZE mailout